

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL DOCKET NO.: 3:97CR290**

UNITED STATES OF AMERICA)
)
 vs.)
)
 TROY LAMONT MCFARLANE (1),)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on Defendant's Motion to Unseal Documents, filed January 12, 2006.

On June 1, 1998, Defendant pled guilty to conspiracy to possess with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841, 846 (Count One) and conspiracy to import cocaine into the United States, in violation of 21 U.S.C. §§ 963, 952 (Count Two). On May 6, 1999, Defendant was sentenced to 280 months imprisonment. On May 12, 1999, Defendant filed a Notice of Appeal. Judgment was entered on Defendant's sentence on June 28, 1999. On October 30, 2000, Defendant filed a Motion to Vacate pursuant to 28 U.S.C. § 2255, which this Court dismissed in an Order dated April 30, 2002. Defendant appealed the Court's dismissal of his Section 2255 Motion and the Fourth Circuit Court of Appeals dismissed Defendant's appeal on January 2, 2003.

Defendant now asks the Court to unseal documents numbered 4, 5, 6, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 164,¹ and 155. The documents Defendant seeks to unseal are as

¹The Court believes that Defendant meant to request the unsealing of document number 154, not number 164.

follows: (1) Doc. #4 - Indictment; (2) Doc. #5 - Motion Sealing Indictment; (3) Doc. #6 - Order Sealing Indictment; (4) Docs. ##144, 145, 146, 147, 148, 149 - Motions to Transfer Custody; and (5) Docs. ## 150, 151, 152, 153, 154, 155 - Orders Granting Motions to Transfer Custody.

Defendant does not advise the Court the reason why such documents need to be unsealed, but simply claims that he “is working in a legal research about his criminal case and he has a right to know the content” of these documents.

Defendant’s recourse to receive the information that he requests in this Motion would be to contact his counsel and request the information, presuming that Defendant has not already been provided with all such information. Moreover, Defendant is advised that Document #4, the Indictment, was unsealed by an Order dated November 6, 1997. Therefore, the Court concludes that in light of Defendant’s failure to provide a basis upon which these documents should be unsealed and since Defendant can receive copies of these documents from his attorney, unsealing the requested documents is unnecessary.

IT IS, THEREFORE, ORDERED that Defendant’s Motion to Unseal Documents is hereby **DENIED**.

Signed: August 3, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is fluid and cursive, with the first name "Richard" and last name "Voorhees" clearly legible.

Richard L. Voorhees
United States District Judge

